

**DOMESTIC RELATIONS REFORM STUDY SUBCOMMITTEE**  
**Meeting Minutes -February 22, 2002**

**PRESENT:**

Sidney Buckman, by Diane Hegyi  
Frank Costanzo  
Ella Maley  
Sen. David Petersen  
Kelly Campbell, by Brandi Brown  
Nancy Gray Eade

Jeff Zimmerman  
Jennifer Jordan  
Terrill Haugen  
Rene Bartos  
Brian Yee  
Rep. Mark Anderson  
Sanford Braver, by Bill Fabricius

**NOT PRESENT:**

Gordon Gunnell  
Debbora Woods-Schmitt  
Sen. Mary Hartley  
Sen. Toni Hellon  
Jay Mount  
Janet Scheiderer

Steve Phinney  
Rep. Karen Johnson  
Karen Adam  
Rep. Kathi Foster  
Ray Rivas  
Ellen Seaborne

**GUESTS:**

Dave Norton, Phoenix Police Department  
Barbara Guenther, AZ Senate  
Stacy Lockery, Governor's Office  
Anna Arnold, DES/DCYF  
Steve Wolfson, AZ State Bar  
Glenn Davis, AZ Senate  
Mark Armstrong  
Marianne Hardy, AZ House  
Joseph Doyle  
Craig Schafer

**STAFF:**

Karen Kretschman  
Isabel Gillett

**CALL MEETING TO ORDER**

The meeting was opened at 10:15 a.m. by Representative Mark Anderson.

## **ANNOUNCEMENTS**

Rep. Karen Johnson was unable to chair the meeting because of illness. The topic of CPS Training and jury trials for CPS cases was cancelled as a result. Designees then introduced themselves to the group.

## **APPROVAL OF MINUTES**

A quorum was present for minutes approval. The minutes for the January, 2002 meeting were unanimously approved as written.

## **STATUS OF MEMBERSHIP POSITIONS/NEW APPOINTMENTS**

The Custodial Parent position has been filled; Dr. Rene Bartos, the appointee, attended the February meeting. She was introduced and gave a brief presentation about her interest in the Subcommittee and her background.

## **PRESENTATION**

Marianne Hardy, AZ House of Representatives staff, gave a presentation on the various domestic relations-related House bills being considered by the legislature. She reported on House bills 2236 (city marriage licenses; fees), 2301 (domestic partnerships; equity), 2309 (domestic partner registrations), 2330 (marriage; dissolution; annulment), 2331 (credit cards; community debts; exception), 2353 (child support venue change; fee payments; time), 2468 (DRRSS' integrated family court plan), 2472 (domestic violence; jury trials), 2533 (temporary orders; family court advisors), 2534 (welfare; married applicants; preferential treatment), 2636 (child custody; relocation and parenting plans), 2687 (filing fees; maternity; paternity; proceedings) and 2169 (presumption of joint custody-strike everything amendment).

## **PRESENTATION**

Barbara Guenther, AZ Senate staff, gave a presentation on the various domestic relations-related Senate bills being considered by the legislature. She reported on Senate bills 1021 (child custody; military deployment); 1023 (spousal maintenance enforcement); 1082 (spousal maintenance; health insurance); 1088 (child support; domestic relations; committees) (this is our DRRSS membership bill); 1130 (military deployment; child custody); 1319 (court ordered spousal support); 1388 (child visitation, violation; citation); 1433 (parental alienation syndrome; custody; prohibition); and 1435 (court appointed evaluators; limited immunity).

Barbara Guenther addressed questions about DRRSS' appointments if S 1088 is passed. Rep. Anderson asked whether the Subcommittee would be limited to writing an annual report with its recommendations; Barbara Guenther replied that the group will have the broad charge of coming up with recommendations at all times rather than just in the annual report.

Hon. Mark Armstrong answered questions regarding H 1433, the parental alienation syndrome bill.

Sgt. Dave Norton, Phoenix Police Department, commented that there is a problem for law enforcement with S 1388 in determining whether the document presented regarding a purported parenting time violation is, in fact, a final and the LAST order in the case or not. Another problem involves which court is to receive the citation, given the city and state boundary lines. Will officers have to carry multiple citation forms? Superior Court in Maricopa County has no citation forms for this suggested process and delayed minute entries will also be a problem in determining a “last” order in a case.

Frank Costanzo requested a copy of the 5-page report done by the legislative intern in connection with S 1433 (parental alienation syndrome) (this was provided during the lunch hour by Senate staff).

Dr. Yee pointed out that S 1435 covers more types of personnel than just court appointed custody evaluators.

Jennifer Jordan moved that the Subcommittee vote as a body against S 1435; Rep. Anderson replied that a formal vote was not requested for the February agenda on this bill topic and at the specific moment of the motion, a quorum was not present. However, the process of how the Subcommittee gets to a voting place is on the agenda and will be discussed after the lunch hour.

Jeff Zimmerman requested copies of any discussed bills before the Subcommittee votes. These bills will be included in the March packet.

## **PRESENTATION**

Megan Hunter appeared to describe the time line, form and procedures used by the Child Support Coordinating Council in generating, perfecting and voting on suggested statutory or rule changes concerning child support in Arizona. She focused on the methods used by the Statute Cleanup workgroup within the Child Support Coordinating Council for bill generation from that workgroup.

Karen Kretschman prepared a possible modified form and time line for consideration with statute or rule generation/change by the Subcommittee workgroups during the working lunch hour.

## **WORKGROUPS**

Senator Petersen assumed the chair position after the lunch hour.

The members of the Substantive law workgroup, the Education/prevention workgroup and the Court procedures workgroup met during the working lunch hour. They all considered the proposed form and time line for bill generation/change/review and offered the following comments in discussion when the meeting resumed, as follows:

### **Court Procedures Workgroup:**

Dr. Yee reported that the Court Procedures Workgroup is in favor of using the form and time line. They had the following questions in connection with additional procedures:

1. How does the Subcommittee get legislators to submit their ideas to us?
2. How does the Subcommittee solicit the bills or “find” the bills being introduced to the legislature for review and comment from DRRSS?
3. How does the Subcommittee deal with domestic relations related bills NOT brought to the Subcommittee by legislators?

Senator Petersen commented that legislators like feedback and suggested a letter from the Subcommittee/workgroups inviting their participation. He was supportive of starting the entire process in January or February. He urged the Subcommittee members to be more active in telling the legislature what changes should be made.

Dr. Yee also questioned why legislators who are members of the Subcommittee don’t submit their bills to DRRSS for review and comment prior to their introduction to the legislative process. Senator Petersen answered that submission “should be the goal.”

### **Substantive Law Workgroup:**

Jeff Zimmerman reported that the Substantive Law Workgroup is also in favor of using the form and the time line. Jeff Zimmerman noted that early in the legislative session, the Subcommittee has little participation from the legislators. Later in the year, after session adjourns, we have more participation from them. The idea of DRRSS self-generating ideas for statutory and rule changes or initiatives is a good one; his group also supports legislators bringing to DRRSS their bills or bill ideas for review/input. Ideas come up at all times and self-generating ideas from DRRSS members for change should not be limited to the January-April period of the year. He noted that individual workgroup meetings might be needed over and above the meetings held concurrently with the larger DRRSS meetings to meet the time table. An alternative to separate workgroup meetings could be longer workgroup meetings during and after the lunch hour in the DRRSS meetings. His workgroup also questions how DRRSS can officially comment on pending legislation which has not been brought before the Subcommittee and urged exploration of this topic.

Senator Petersen commented that new legislators will be coming on board due to terms ending for several (i.e. 10 senators). He suggested holding a legislative forum for new legislators and finding better ways to connect to the Senate Family Services Committee chair.

### **Education/Prevention:**

Terrill Haugen reported that the Education/Prevention Workgroup is also interested in tracking legislation in which the members have an interest but which has not been submitted officially to DRRSS for review/comment. He suggested that specific bills be assigned to the workgroups for

review and vote; a bill could be assigned to 2 or 3 members of a workgroup for review and commentary; these members also could appear at legislative committee hearings to offer input and testimony. Barbara Guenther commented on the new system available now where one can view the committee agendas on the internet; then vote on the bill pro or con without having to appear in person.

Terrill Haugen also added that if the Subcommittee takes a vote on whether to support a particular bill or bill suggestion, a pro and con report should be generated by the workgroups.

The March agenda shall include a review period and vote by the Subcommittee on the bills presented by legislative staff and more specifically, the immunity bill, the DRRSS bills, the bill dealing with the parental alienation syndrome issue; the citation process for violations of parenting time schedules and the presumption for joint custody. Senator Petersen commented that there still should be time for the Subcommittee to issue comments regarding these bills for this session. Senator Petersen suggested that in voting on bills, the workgroups should prepare a written report on both pro and con positions. Barbara Guenther added that the time available might be slim but staff will monitor the status prior to the next meeting in March.

## **NEW BUSINESS**

No new business was presented.

## **CALL TO THE PUBLIC**

Craig Schafer described his travails with a mentally unstable ex-wife and the numerous court proceedings he has suffered because there is no way to stop her from constantly taking him back to court.

Joseph Doyle objected to the lack of automatic enforcement of custody orders and automatic penalties for violations for custody violations. He commented on the money being poured into domestic violence issues and objects to the lack of money dedicated to custody, access and enforcement issues.

## **FUTURE MEETINGS**

The March, 2002 meeting will be held on the 22nd (a Friday) in the State Courts Building, Rooms 345A/B; April 26, 2002, another Friday, is the April meeting date, in Room 119A/B; the May 24, 2002 meeting will be held in Rooms 119A/B.

## **ADJOURNMENT**

The meeting was adjourned at 2:00 p.m. by Senator Petersen.